

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
ERIE DISTRICT COURT

LYNETTE M. PETRUSKA,)
Plaintiff)
vs.) Case No. 1:04-cv-00080
GANNON UNIVERSITY, et al.,)
Defendants)

MOTION FOR LEAVE TO PARTICPATE IN
CASE MANAGEMENT CONFERENCE BY TELEPHONE

COMES NOW, Plaintiff, by and through undersigned counsel AnnDrea Benson, and respectfully requests leave to participate in the Case Management Conference scheduled for June 5, 2008 at 1:30 p.m. by telephone. In support of this motion, Plaintiff states as follows:

1. Plaintiff's local counsel is scheduled as an expert witness in a binding arbitration in Buffalo, NY on June 4, 5, 6, and 9, 2008. She has been present for all previous testimony during the arbitration (which has lasted nine days) and is required to be present for the additional days scheduled as set forth above. She has verified with the arbitration panel that this case is likely to take all four days scheduled and that this matter is unlikely to settle, and therefore, she is unable to be present in person on June 5, 2008 at 1:30 p.m. However, she can make arrangements with her client to participate in the Case Management Conference by telephone.

2. Plaintiff's local counsel cannot provide alternative dates for the Case Management Conference for which St. Louis counsel would also be available because St.

Louis counsel is out of the office the week of June 9, 2008 and scheduled on a two-week federal criminal docket the weeks of June 16 and 23, 2008, which trial date has not been set as of the date of this motion.

3. This Court's April 28, 2008 Preliminary Scheduling Order permits local counsel to be excused from personally attending the Case Management Conference for good cause.

WHEREFORE, for the reasons set forth herein, Plaintiff requests that she be permitted to participate in the Case Management Conference scheduled for June 5, 2008 at 1:30 p.m. by telephone.

Respectfully submitted,

by: / AnnDrea M. Benson
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 7, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Frank L. Kroto, Jr., Arthur D. Martinucci, and Evan C. Rudert, attorneys for Defendants and C. John Pleban, co-counsel for Plaintiff.

/s/ AnnDrea Benson